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White paper on timelines for OSI

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White paper on timelines for OSI – J Sweeney, purple team

Questions from the agenda:

1. What time limits should there be, if any?
2. Does the IT have to say immediately or before inspections start if it needs to take a sample off-site?
3. If a sample goes off-site, how long can it stay off-site?

Relevant Treaty limits on timelines:

The most relevant starting point of reference is the time of the approval of the inspection request. The EC takes a decision on a request no later than 96 hours after receipt of the request from the requesting State Party (Art. IV, para. 46.). Article IV, para. 53, states that the IT will arrive at the POE of the ISP no later than 6 days following receipt of the request by the EC.

No later than 25 days after approval of the inspection, the IT transmits to the EC, via the DG, a progress inspection report. (Art. IV, para. 47). Continuation is considered approved unless a vote to cancel by a majority of the EC is made within 72 hours of receiving the report. Such a continuation extends the inspection period to 60 days from the approval date.

Proposal to conduct drilling can be made by the IT at any time. Decision must be made by a majority of the EC within 72 hours of request.

It may make request to extend the inspection by an additional 70 days (to a total of 130 days) at any time. Approval is by majority of EC within 72 hours of request. IT must specify the activities and techniques from Part II, para. 69 of the Protocol, that will be used during the extension period.

At any time following approval of the continuation period, the IT may request termination of the inspection. This request will be considered approved unless the EC majority votes for continuation within 72 hours of the request.

Some practical considerations:

In the most extreme case, the EC could take the full 96 hours (4 days), to make the decision approve the inspection. Under Treaty provisions, this will leave only 2 days for the IT to reach the POE. However, this will be the extreme minimum time for arrival of the team following approval of the inspection request. It will take a day or two for equipment inspections and transfer of people and equipment to the BOO from the POE. Once at the BOO, inspection activities, including setting up the camp and on-site laboratories, can begin. At the end of the initial period, it will take some time to assemble data and formulate conclusions to be put into the progress inspection report and notify the ISP of results (see reporting white paper). Thus, the

total time available for inspection activities from arrival at BOO to when the progress inspection report is started will probably be less than 20 days, perhaps as few as 18-19. Sending samples off-site during the initial inspection period will be constrained by this reality.

Initial answers to the questions above:

Question 1.: From the above, given that it will take time to negotiate with the ISP and collect, ship, and analyze the sample, the time limits for off-site analysis during the initial period will certainly be less than 14 days and may be as short as 7 days or less, depending on when in the process the decision is made for off-site analysis. This time will be much relaxed during the continuation period, but will be of necessity limited to something less than 35 days from the end of the initial period because of the possibility that an extension out to 130 days may not be approved. Something less than 70 days will be available during the extension phase. Thus, the time available for off-site analysis depends critically upon the inspection period involved.

Question 2.: I don't see how the IT can make a request for off-site samples prior to the start of the inspection. Such a request would be tantamount to the IT admitting that they are not prepared to carry out an inspection. The assumption should be that a request to send off-site would be an exceptional event.

Question 3.: How long the sample stays off-site (assuming that it is not destroyed during the analysis) will depend on the nature of the agreement between the ISP and the IT. The ISP could decide that it doesn't care and the sample may never have to be returned. Alternatively, the ISP could insist that it be returned immediately after the analyses are complete or, at the latest, by the time the IT leaves the inspection area.



Time Lines for Off-Site Analysis

J Sweeney, LLNL

Treaty Guidance

Most relevant starting point is approval of the inspection request

EC takes decision no later than 96 hr after receipt of request from SP

IT will arrive no later than 6 days following receipt of request by EC

(if EC takes decision 96 hr [4 days] after, then IT must be on site 2 days later)

Treaty Guidance

No later than 25 days after approval of insp., IT transmits to the EC, via the DG, a progress insp. Report

Continuation is approved automatically (extends to 60 days), unless a vote to cancel comes from the EC within 72 hr of when EC receives report

IT may make request to extend by additional 70 days at any time. EC approval within 72 hr of request. Activities and techniques from Part II, para 69 of Protocol must be listed.

Treaty Guidance

Proposal for drilling can be made by IT at any time. Decision by EC within 72 hr of request.

At any time following approval of continuation period, IT may request termination of insp.

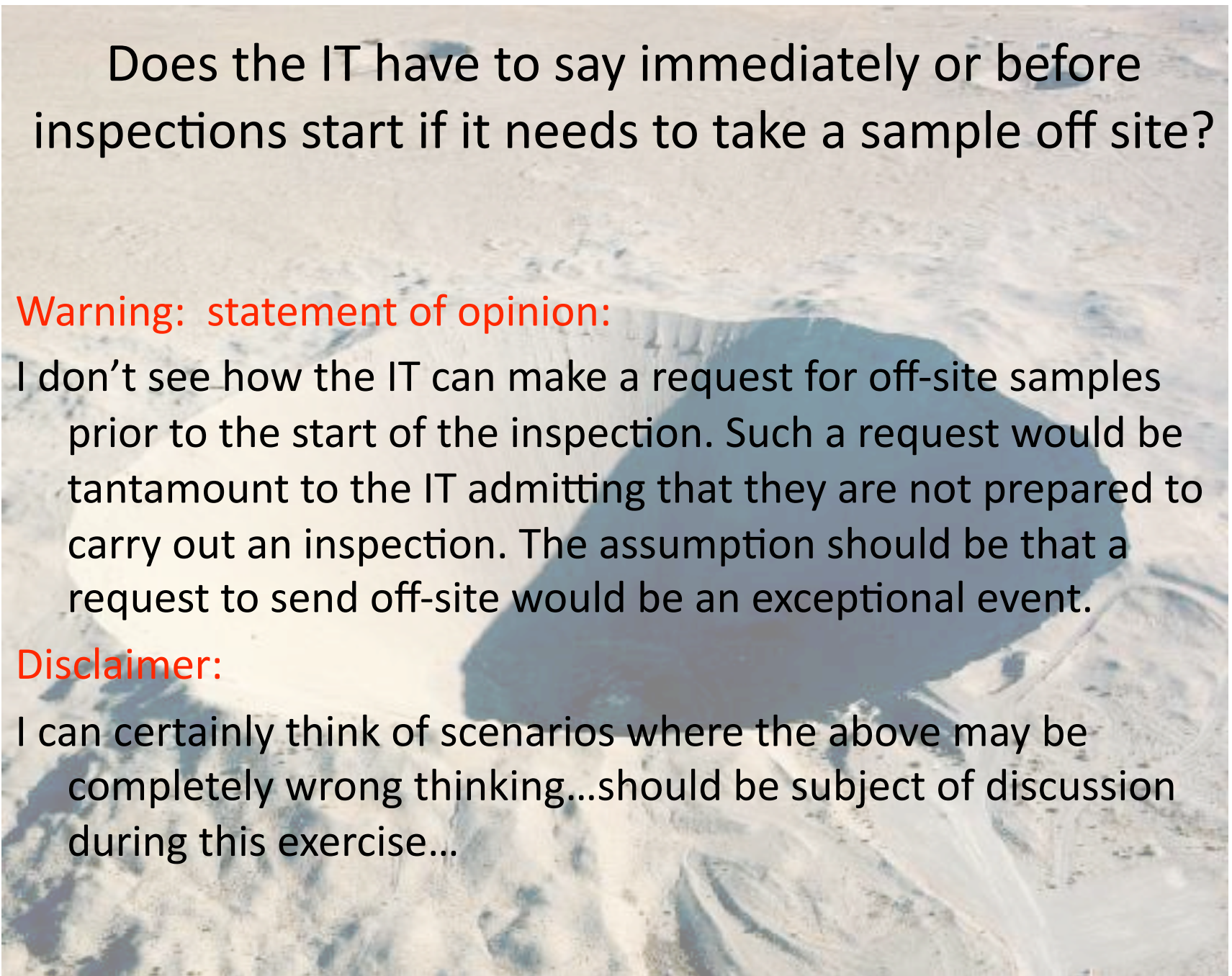
This will be considered approved unless EC majority votes for continuation within 72 hr

Practical considerations

Most extreme case: EC takes the full 96 hours (4 days), to make the decision approve the inspection. This will leave only 2 days for the IT to reach the POE. However, this will be the extreme minimum time for arrival of the team following approval of the inspection request. It will take a day or two for equipment inspections and transfer of people and equipment to the BOO from the POE. Once at the BOO, inspection activities, including setting up the camp and on-site laboratories, can begin. At the end of the initial period, it will take some time to assemble data and formulate conclusions to be put into the progress inspection report and notify the ISP of results (see reporting white paper). Thus, the total time available for inspection activities from arrival at BOO to when the progress inspection report is started will probably be less than 20 days, perhaps as few as 18-19. Sending samples off-site during the initial inspection period will be constrained by this reality.

What time limits should there be, if any?

Given that it will take time to negotiate with the ISP and collect, ship, and analyze the sample, the time limits for off-site analysis during the initial period will certainly be less than 14 days and may be as short as 7 days or less, depending on when in the process the decision is made for off-site analysis. This time will be much relaxed during the continuation period, but will be of necessity limited to something less than 35 days from the end of the initial period because of the possibility that an extension out to 130 days may not be approved. Something less than 70 days will be available during the extension phase. Thus, the time available for off-site analysis depends critically upon the inspection period involved.



Does the IT have to say immediately or before inspections start if it needs to take a sample off site?

Warning: statement of opinion:

I don't see how the IT can make a request for off-site samples prior to the start of the inspection. Such a request would be tantamount to the IT admitting that they are not prepared to carry out an inspection. The assumption should be that a request to send off-site would be an exceptional event.

Disclaimer:

I can certainly think of scenarios where the above may be completely wrong thinking...should be subject of discussion during this exercise...

If a sample goes off site, how long can it stay off site?

How long the sample stays off-site (assuming that it is not destroyed during the analysis) will depend on the nature of the agreement between the ISP and the IT. The ISP could decide that it doesn't care and the sample may never have to be returned. Alternatively, the ISP could insist that it be returned immediately after the analyses are complete or, at the latest, by the time the IT leaves the inspection area.

